

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2011

Robert P. Young, Jr.,
Chief Justice

142246

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

MICHAEL NASON,
Petitioner-Appellee,

v

SC: 142246
COA: 290431
Marquette CC: 08-045798-AA

STATE EMPLOYEES' RETIREMENT
SYSTEM,
Respondent-Appellant.

On order of the Court, the application for leave to appeal the October 28, 2010 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether a member is eligible for non-duty disability retirement under MCL 38.24 if he is totally incapacitated from performing the state job from which he seeks to retire, but he is not totally incapacitated from performing other work within his education, experience, or training. See *Knauss v State Employees' Retirement System*, 143 Mich App 644 (1985). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2011

Corbin R. Davis

Clerk